## REMARKS

Claims 1-52 are pending in this application.

### *Claim Rejections - 35 USC § 103*

Claims 1-52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III, et al., U.S. Patent No. 5,724,492, in view of Yeh et al., U.S. Patent No. 6,329,978.

The examiner is kindly reminded that in order to establish *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Applicant's invention provides a more informative and useful method of identifying selectable options in a user interface.

Applicant's invention claims "at least two selectable targets displayed on at least a portion of the display" and "said at least two selectable targets capable of being displayed in a simulated rotation about an axis while remaining continuously selectable during said simulated rotation" (claims 1, 14, 27, and 40).

Applicant requires that the at least two selectable targets remain continuously selectable in a simulated rotation about an axis. Support for this is found on page 21, lines 3-9, of the specification and in figures 10A and 10B.

In other words, two selectable targets must be continuously visible so that they are continuously selectable.

Matthews teaches a single three dimensional object which tumbles and rotates about an axis (col. 15, lines 15-35). Matthews states "FIG. 6 provides a series of images that illustrate an exemplary open transition, which occurs when the channel manager is activated" (col. 15, lines 15-18). Matthews states "FIG. 11 illustrates a sequence of images that form a part of an exemplary open transition, which occurs when the three-dimensional menu is activated. Generally described, the open transition depicts a three-dimensional menu rotating about its vertical axis as it moves from infinity to its final position on the display" (col. 18, lines 19-24). Matthews states, regarding FIG. 12, "In the preferred hand held computer, three-dimensional animation is used to depict a multi-sided object 1200 rotating from along its vertical axis to reveal another panel" (col. 18, lines 37-40).

In other words, drawing figures 6, 11, and 12 in Matthews represent a multiplicity of time snapshots to illustrate the motion of a single target.

Even assuming that the menu panels of the single target rotate with respect to one another or the menu choices rotate in unison, Matthews does not teach that those menu panels or choices are continuously selectable because Matthews teaches that they rotate into view. So, the menu panels and choices are invisible and not selectable for a portion of the period of rotation.

This is contrary to the limitation "said at least two selectable targets capable of being displayed in a simulated rotation about an axis while remaining continuously selectable during said simulated rotation" found in the claims.

The Examiner wrote "The difference between the claim and Matthews, III et al. is a display, a cursor capable of being displayed on said display; a cursor control device capable of controlling said cursor's position and movement on said display" (page 1 of Office Action).

However, Matthews discloses a mouse device (col. 10, lines 4-7) and a cursor (col. 12, line 22).

The examiner has used Yeh to provide for features that are already disclosed in Matthews.

Thus the combination of Matthews and Yeh is inappropriate.

Yeh is directed to using "rotary circles of the optic grid pieces of the mouse" (col. 2, lines 45-46). Yeh is concerned with generating "a positioning effect of absolute coordinate" (col. 1, lines 39-40) and "the cursor is controlled to move in an absolute coordinate type" (col. 1, lines 52-53). Yeh is concerned with measuring distance in such a way as to extend mouse life (col. 3, lines 1-16).

No rotation is disclosed in or suggested by Yeh. Multiple targets are not disclosed in or suggested by Yeh.

Thus, it is respectfully submitted that independent claims 1, 14, 27, and 40 are allowable over the prior art of record.

Claims 2, 3, 15, 16, 28, 29, 41, and 42 are allowable because they depend from allowable claims 1, 14, 27, and 40.

Claims 4, 17, 30, and 43 recite "said interface is capable of displaying additional information, on at least a portion of said display, associated with a specific target when said cursor is positioned at least partially within said specific target's hotspot boundary".

This limitation requires "additional information" to be shown when the "cursor is positioned at least partially within said specific target's hotspot boundary".

Matthews (col. 13, lines 3-23) does not teach the display of "additional information" when the "cursor is positioned at least partially within said specific target's hotspot boundary".

Instead, Matthews displays text (figs. 7 and 10) regardless of whether the cursor is within any boundary area.

Yeh is not directed to placing a cursor in a target's hotspot boundary.

Thus, claims 4, 17, 30, and 43 are allowable over the prior art of record not only because they depend from allowable independent claims, but also on their own merit.

Claims 5, 18, 31, and 44 recite "said interface is capable of modifying said targets being displayed on said display in response to a change in focus on content being displayed in another portion of said display".

Matthews (col. 1, lines 35-67) discloses pull down menus.

There is no teaching or suggestion for the limitation "said interface is capable of modifying said targets being displayed on said display in response to a change in focus on content being displayed in another portion of said display".

Therefore, claims 5, 18, 31, and 44 are not only allowable because they depend from allowable claims 1, 14, 27, and 40, but also on their own merits.

Claims 6, 7, 19, 20, 32, 33, 45, and 46 are allowable because they depend from allowable base claims 1, 14, 27, and 40.

Claims 8, 20, 33, and 46 require "said cursor is capable of modifying its presentation into a shape similar to the shape of a specific target which is being given focus by said cursor". Claims 9, 21, 34, and 47 further require that the cursor take on "a shape similar to a miniature version of the shape of said specific target".

Matthews (col. 1, lines 20-67) discloses icons and pull down menus but does not disclose or suggest a cursor which is "capable of modifying its presentation into a shape similar to the shape of a specific target which is being given focus by said cursor" or a miniature version.

Thus, it is respectfully submitted that claims 8, 9, 21, 22, 34, 35, 47, and 48 are allowable over the prior art of record. Claims 10-13, 23-26, 36-39, and 49-52 are allowable over the prior art of record because they depend from allowable claims 1, 14, 27, and 40.

In summary, there is no suggestion or motivation in Matthews or Yeh to modify Matthews or to combine Matthews with Yeh. Neither Matthews nor Yeh teach or suggest all the claim limitations of the independent claims. Additionally, Matthews and Yeh do not teach or suggest limitations found in certain dependent claims as discussed

above. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. Thus, according to MPEP § 2142, a *prima facie* case of obviousness has not been established.

Therefore, it is respectfully submitted that all pending claims 1-52 are allowable.

## CONCLUSION

In light of the foregoing amendments and supporting arguments, reconsideration of all pending claims is requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,
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